

Event Vetting

Government employees, particularly high-level officials like United States Attorneys, are subject to ethical restrictions governing the types of events they may attend. Some restrictions relate to benefits, including luncheons, dinners, awards, and tokens of appreciation they may accept. Other restrictions relate, among other things, to participation in events that are sponsored by persons who do business with or lobby the Government; that have a fundraising component; where it may appear that official attendance is being used to promote the event or the sponsor; or where elected officials may be in attendance. To assist us in vetting compliance with government ethical restrictions, we would appreciate it if you could provide the following information. If you do not have specific information for each response, please provide such general or descriptive information as you currently have.

Please do not hesitate to call the Office's Government Ethics Advisor, (b)(6), (b)(7)c at (b)(6), (b)(7)c or e-mail him at (b)(6), (b)(7)c to discuss this.

1. Name, date and time, and location of event.

15th Annual Taxpayers Against Fraud Education Fund conference
Mayflower Hotel, Washington, D.C.
1127 Connecticut Ave NW, Washington, DC 20036
September 15, 2016
Cocktail Reception, 6:00-7:00 PM
Awards Dinner, 7-9 PM

2. Format of event (e.g., cocktails; presentations; speeches; and/or meal).

There will be a cocktail reception from 6:00-7:00 PM, followed by a dinner with speakers. U.S.A Bharara would be the keynote speaker and could stay for the complete event, or not, as he chooses. Awards will be extended to a Lawyer of the Year, and a Whistleblower of the Year, and TAFEF will also present its "Honest Abe Integrity in Government Award" to a non-elected official (USA Bharara is a previous award winner).

3. Estimated cost per attendee of event.

The dinner is part of a 3-day conference. The 3-day conference costs TAFEF members \$1,200.

4. Are any attendees being charged to attend the event?

a. If so, who (in general) is being offered free attendance, and who is expected to pay?

The cost of the awards dinner event is baked into the price of the conference – there is no additional charge, and there is no promotion of the event outside of the TAF Education Fund's membership. Non-conference guests, accompanied by a conference attendee, can come to the awards dinner for \$100 per person, which covers food and service costs.

5. Name of entity extending the invitation and link to web site (if any).

Taxpayers Against Fraud Education Fund :: www.taf.org

- a. Is the entity extending the invitation registered with the Secretary of the Senate and the Clerk of the House of Representatives as a lobbyist pursuant to Section 1603(a) of Title 2 of the United States Code?**

The TAF Education Fund is a 501c-3 tax exempt organization (Tax ID# is)(6), (b)(7),

(b)(6) We are registered with the Clerk of the House: Lobbying House ID#

)(6), (b)(7) Lobbying Senate ID# (b)(6), (b)(7)c

- 6. Sponsor of event if different from above.**

Sponsor is the same as above.

- a. Is the sponsor of the event registered with the Secretary of the Senate and the Clerk of the House of Representatives as a lobbyist pursuant to Section 1603(a) of Title 2 of the United States Code?** Same as above.

- 7. Names of additional entities that will be recognized for sponsorship or support of the event.**

TAF Education Fund members and law firms sponsor the conference and dinner as part of their general support of the organization. We do not have a complete list of sponsors at this time, but it has generally included successful whistleblowers and law firms whose members are on the Board or President's Council of the TAF Education Fund. There are no outside corporate sponsorships.

- 8. How many persons are expected to attend?**

About 300.

- 9. Demographics of expected attendees (e.g., lawyers; law enforcement; business leaders; students; etc.)**

About 90 percent of the attendees will be plaintiff-bar lawyers bringing whistleblower cases under the federal False Claims Act, various state False Claims Act, and under the SEC, IRS, and CTFC whistleblower programs. Another 5 percent will be successful whistleblowers, and another 5 percent will be spouses.

- 10. Are any elected officials expected to attend and, if so, what is their expected role?**

- a.** No elected officials are expected to attend or speak.

- 11. Will there be any political activity at the event (i.e., any activity directed toward the success or failure of a political party, candidate for a partisan political office or partisan political group, for example, any speeches urging people to vote for or against a particular candidate or political party)?**

No. We are strictly non-partisan and non-political.

12. Is there a fundraising component to the event? (e.g., program advertisements; dinner ticket price; silent auction)? If so, please describe.¹

There are no program ads, silent auctions, or other forms of sales or solicitation. Non-conference guests can attend the awards dinner with a conference attendee at an additional cost of \$100, which covers dinner and service costs. Conference sponsors are acknowledged, in list form, at the back of the dinner program. There are no non-TAFEF member conference sponsors.

13. Expected role of U.S. Attorney (e.g., simple attendance; remarks; speech)

A 15-20 minute speech noting the 30th Anniversary of the False Claims Act, the success of the public private partnership, and the role of whistleblowers in helping DoJ recover scores of billions of dollars over the course of the last 30 years. The success of the FCA has been copied by the IRS, SEC, and CFTC. What is the perspective from the SDNY where so much is centered? What is ahead?

14. If the U.S. Attorney is being honored:

a. What are the criteria your organization applies to determine who should be honored for this specific award?

USA Bahara was our “Honest Abe” Integrity in Government award winner in 2012. This is our highest government award.

b. What is the internal process by which your organization selects potential honorees? Awards are nominated by members and go to a conference committee for final selection after discussion with TAFEF staff.

c. For what specific public service or achievement do you wish to honor the U.S. Attorney?

No one has moved harder against fraud than the SDNY. In the last year USA Bharara and his team have nailed pharmaceutical giant Novartis under the FCA, recovering \$390 million and stopping a massive kickback scheme. Another big case against Novartis may settle between now and the conference. Among the *other* False Claims Act cases settled this year are a \$60 million settlement against

¹ For events that involve any fundraising leading up to or during the event: The United States Attorney may not participate in any active fundraising activity with respect to the event. Nor may the U.S. Attorney allow his name, position, or title to be used for any fundraising activity for your organization. If applicable, you may list his name as an awardee and/or speaker on the program and on invitations issued not more than 30 days prior to the event, along with other information about the program. He may not be listed on any “save the date” notices. Failure to comply with these limitations may preclude the U.S. Attorney from appearing at the event. If the U.S. Attorney is giving an official speech, he may be seated and have photos taken as appropriate for a speaker at the event, but you may not use his photo in connection with any other fundraising efforts.

Bioscrip and Accredo Health Group for kickbacks; a \$25 million settlement against L3 for defective weapons; a \$46.7 million settlement from Centerlight Healthcare for Medicaid fraud; an \$85 million settlement against Fifth Third Bank for FHA mortgage fraud, and a \$54 million settlement against the Salix division of Valeant pharmaceuticals for kickbacks.

- d. **Did any of the accomplishments of the U.S. Attorney which you wish to honor directly affect the organization or its members?** (Describe.) Two big Novartis FCA cases joined by the SDNY were filed by whistleblowers David Kester and Oswald Bilotta, and these whistleblowers and their lawyers (Shelley Slade for Kester, and Joseph Trautwein and Eric Young for Bilotta) ****may**** be in the audience.

- e. **Do any of the board members or host committee or senior staff have any matters pending before or involving the United States Attorney's Office for the Southern District of New York?**

No staff of the TAF Education Fund have matters before the SDNY. It is very possible that one or more board members of the TAF Education Fund, or their law firms, are representing one or more whistleblowers that have filed cases in the SDNY, but such matters are under seal until DoJ joins or declines to join those cases. The staff of TAFEF know of no such cases at the moment, and no one with a case before the SDNY was involved in extending this invitation.

- f. **Please provide a description and the value of any award item (if the award item is a plaque, certificate or trophy of little intrinsic value, you may so indicate).**

None

- g. **Who else is expected to be honored at the event?**

There will be a Whistleblower of the Year award winner, a Lawyer of the Year award winner, and an "Honest Abe" Integrity in Government award winner (USA Bharara was a winner of this award in 2012). Joyce Branda of the U.S. Department of Justice will have previously been awarded TAF Education Fund's Lifetime Achievement Award for her 30 years of stewardship of the False Claims Act at the U.S. Department of Justice.

15. If the U.S. Attorney is making a presentation, who else is expected to be making a presentation/be on a panel?

No panel presentation.

- a. Will the U.S. Attorney be presented with a token or memento in appreciation for his presentation?
- i. XX Nothing
 - ii. Plaque or other memento of little intrinsic value

iii. ____ Other. Please describe, including its value.

16. Describe any special seating arrangements for U.S. Attorney, e.g., dais, general seating (depending on the nature of the event, the U.S. Attorney may or may not be able to accept “dais” seating.)

USA Bharara will be seated at a reserved table near the front in order to make access to the podium as easy as possible. There will be no dais.

17. Promotion of the event: please provide a copy of or link to the invitation/promotional material for the event (or if not available, for the prior year’s event).

A dinner program from last year’s event is attached. There will be no promotion of this event outside of the TAF Education Fund’s membership.